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STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL ECONOMIC ASSISTANCE
REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-third year

Identical letters dated 6 August 1998 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the General Assembly and the President of the Security Council

On instructions from my Government, I have the honour to transmit to you a statement delivered by the delegation of the State of Eritrea on 5 August 1998 before the fiftieth session of the Commission on Human Rights, Subcommission on Prevention of Discrimination and Protection of Minorities, currently meeting in Geneva.

The statement details the gross violations of the human rights of Eritrean civilians resident in Ethiopia by the Ethiopian Government.

I should be grateful if you would kindly circulate the text of the present letter and its annex as a document of the fifty-second session of the General Assembly, under agenda items 20, 107 and 112, and of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

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ANNEX

Statement delivered by the delegation of the State of Eritrea on 5 August 1998 to the Commission on Human Rights, Subcommission on Prevention of Discrimination and Protection of Minorities, concerning human rights violations against Eritreans in Ethiopia

1. The Eritrean delegation would like to take this opportunity to present before you the facts of a great abuse of human rights in Ethiopia. It is with great sadness that I am obliged to present the evidence for what is without doubt a crime against humanity. For the last eight weeks, and continuing even as I speak before you today, the Government of Ethiopia has been engaged in a systematic policy of expelling Eritreans and Ethiopians of Eritrean origin, solely and purely on the basis of their national origin. Up to now, more than 13,000 Eritreans and Ethiopian citizens of Eritrean origin, who have committed no crime, have been arbitrarily arrested, detained, made to disappear and summarily deported, often with great cruelty.

2. We bring you messages of anguish and pain from the victims of this outrage. It is a message from a recently widowed 23-year-old mother who had just lost her sister and was taking care of her invalid mother but was taken away from her seven-month-old baby screaming and begging. It is a message from a 64-year-old, illiterate cleaning woman, an Ethiopian who although of Eritrean ancestry had neither acquired an Eritrean identity card nor voted in the Eritrean referendum for independence. Nor was she a member of the governing party of Eritrea, nor indeed any Eritrean association. Nor, for that matter, could she speak any of Eritrea's languages fluently. It is the message from a 56-year-old man who was dumped in the desert on the Eritrean-Ethiopian border, separated from his daughter, who died after walking more than 4 kilometres to the Eritrean side of the border in 44°C heat. It is a story of a businessman who spent his lifetime investing in Ethiopia, building up that country, most recently constructing the water and sewage system for Addis Ababa, who was arrested at dawn and dispossessed of his business, worth some tens of millions of dollars. It is the shameful story of a 15-year-old girl who was taken away from her family simply because last year she went to Eritrea on vacation to participate in a tree-planting programme. It is the story of the thousands who were expelled with them, and the thousands who remain, fearful that security officers will break down their doors at 5 a.m. and drag them away from their homes and their families with nothing but the clothes that they are wearing.

3. On 23 May, at the closing session of an International Conference to establish the Human Rights Commission in Ethiopia, Prime Minister Meles Zenawi spoke of his Government's commitment to the rule of law and respect for human rights. Seven weeks later, Prime Minister Meles gave a television interview in which he claimed the right of his Government to expel any foreigners it chose. He said: "Any foreigner, whether Eritrean, Japanese, etc., lives in Ethiopia because of the goodwill of the Ethiopian Government. If the Ethiopian Government says, 'Go, because we do not like the colour of your eyes', they have to leave." He went on to compare the expulsions of Eritreans with the

deportation of illegal immigrants from Mexico by the Government of the United States of America.

4. This justification is simply absurd and an affront to the intelligence of the international community. Many of those expelled are Ethiopian citizens of Eritrean origin. All were legally resident in the country. By Prime Minister Meles' own admission, "We cannot expel a citizen of Ethiopia from Ethiopia." Yet that is precisely what his Government is doing. A survey of more than 3,000 deportees from urban areas indicates that 264 had been born in Ethiopia, more than half had lived there for more than 20 years and 421 had lived there for more than 40 years. Some had not even visited Eritrea. Many have married Ethiopians. Among them are more than 600 businessmen and women, including owners of hotels, construction businesses, garages, transportation companies and shops. Many were government employees. There are lawyers, doctors, teachers, photographers, professional cartographers and even priests and nuns. One case we have is that of a former soldier who lost one arm and one leg fighting for Ethiopia against Somalia in the 1977 war. "What more can I give to Ethiopia than an arm and a leg?" he asks.

5. And of course we must not forget more than 8,000 poor farmers and pastoralists, who have been deprived of their meagre livelihoods, and whose cases are just as tragic. Many of these people have lived in Ethiopia for generations, where they own farms and herds of cattle. Overnight these people have been deprived of their livelihoods. Some of them were beaten up and locked in metal cargo containers before being transported to Eritrea.

6. Among those arrested for deportation are citizens of third countries, such as Italy and Canada, who are of Eritrean origin. Through the intervention of their embassies, a few of them have been saved from deportation. Some Eritreans holding foreign passports have had their passports stamped with the words "deported never to return".

7. The citizens who have been deported report that the Ethiopian security forces accused them of membership of the Eritrean Community Association or the People's Front for Democracy and Justice (PFDJ); of voting in the Eritrean referendum; or of contributing to fund-raising campaigns. In many cases this may be true. But these associations are completely legal in Ethiopia. Fund-raising for Eritrea and participating in development campaigns in Eritrea were completely legal. We find it puzzling that the Ethiopian Government should choose to describe the PFDJ as "a clandestine organization" for, like the other associations, the Ethiopian Government had permitted its activities and even provided premises for them. There was moreover a reciprocal arrangement with Ethiopia that allowed for Ethiopians in Eritrea and TPLF organizations in Eritrea to undertake similar activities with similar provisions. There can be no grounds for retroactively declaring these activities illegal or citing them as grounds for deportation.

8. The discriminatory acts were undertaken without any due process of law and without any right of appeal.

9. There is no basis in the Ethiopian Constitution or penal code, nor in international human rights law for this systematic mass expulsion of these

people. It is quite simply an illegal and arbitrary act of ethnic cleansing which has no justification in law whatsoever.

10. Although the Government of Ethiopia has made no official statement and passed no law to this effect, it is clear that its aim also includes depriving deportees of Eritrean origin of their Ethiopian citizenship. Please, stop and ponder for a moment the implications of this act: a State has withdrawn citizenship from thousands of law-abiding citizens simply because of their ethnic or national origin. People have been rendered stateless without due process of law. Surely, this is a precedent that this Commission cannot allow to stand.

11. Ethiopia claims that the Eritreans in Ethiopia are spies, infiltrators and saboteurs who threaten the security of the State. Ethiopia has indeed declared war on Eritrea and I am sure that the Ethiopian Government will argue that it can derogate from the human rights provisions in the Constitution and penal code in the name of national security. If that is the case, then Eritreans in Ethiopia should be considered "protected persons" under article 4 of the Fourth Geneva Convention.

12. Let us have no doubt as to what the Geneva Conventions permit and what they prohibit. Article 5 of the Fourth Geneva Convention makes it crystal clear that any action against protected persons must be carried out on an individual, case-by-case basis. Article 41 says that the Government may take no action more severe than assigned residence or internment. Article 49 begins:

> "Individual or mass forcible transfers, as well as deportations of protected persons ... are prohibited, regardless of their motive."

Article 147 lists "unlawful deportation or transfer or unlawful confinement" of protected persons among grave breaches of the Geneva Conventions, i.e., actions for which international law dictates there is individual criminal responsibility. In addition, article 18 of the 1996 draft Code of Crimes Against the Peace and Security of Mankind lists five "crimes against humanity": among them "forcible transfer of population".

13. Let us recall that when the Geneva Conventions were written in 1949, Europe had just emerged from war and genocide of unparalleled scale. The memories of concentration camps, forced deportations of populations and the Holocaust were fresh in the minds of the men and women who established the foundations of international humanitarian law. Similarly, the memories of the Red Terror and the war crimes of successive Ethiopian regimes were fresh in the minds of the Ethiopian Government when they set up the office of the Special Prosecutor to bring officials of the former regime to trial. Just a few months ago, the memory of the genocide in Rwanda moved Prime Minister Meles Zenawi to propose to the Organization of African Unity (OAU) a Panel of Eminent Personalities to investigate that crime. We supported both those initiatives. The people of Africa, including Eritreans and Ethiopians, have suffered too much already. We never thought that this Ethiopian Government, which came to power after years of struggle against tyranny, with the promise of peace and respect for human rights, would itself perpetuate a crime against humanity. Yet the evidence I am

presenting to you today compels us to conclude that the Government of Ethiopia is doing precisely that.

14. This gross crime against humanity is also an aggregation of many smaller, cruel crimes against individuals. The deportees describe how they were seized from their homes or places of work. Sometimes they were woken up in the middle of the night. Often they were told that they were just wanted for a quick registration, and would return home shortly. One mother locked the door of her house, leaving her small son sleeping inside, because the security officers said she would be back in a few minutes. Others have begged the policemen to be allowed to take their children, but have been herded onto buses without even having a chance to say goodbye. They have been insulted in police stations and sent on long and arduous bus journeys with virtually no food and water. Those deported to Assab had to walk for 4 kilometres in the scorching desert heat. Contrary to the claims of the Ethiopian Government, the deportees report no presence of the International Committee of the Red Cross (ICRC) during their journeys.

15. A report from a joint mission to Assab by the United Nations agencies confirms these facts. It also describes one particularly sad case, that of a 56-year-old former teacher:

> "The deplorable and dehumanizing conditions caused the death of one man whose daughter was snatched away by Ethiopian authorities when the deportees were dropped off between the border posts of the two countries. He cried to no avail and went into a serious depression and never recovered. His colleagues put him to rest in Assab."

16. The forcible separation of parents from their children is one of the most distressing aspects to the deportations. In some cases, even breastfeeding mothers have been wrenched away from their babies. A study by UNICEF Eritrea found that 165 deportees contacted had been forced to leave a total of 291 children behind, including 9 under one year and 37 aged between one and five. Most were left with relatives and a few with neighbours, but 43 had simply been left on their own. In many other cases men have been separated from their wives.

17. Some of the deportees were told to sign powers of attorney to relatives. Usually this just amounted to writing a name on a piece of paper and handing it to a policeman; it has no legal force. Many of those relatives have subsequently been arrested and deported. Others have been told to sell the property immediately. In some cases, children have been ordered to sell off complex businesses worth hundreds of thousands or even millions of dollars. The security officers who have carried out these operations have simply sealed businesses without even taking an inventory, let alone producing any legal documents. Houses, cars and trucks, shops, hotels and restaurants, factories and farms, have in essence simply been confiscated. Farms have been left newly ploughed. Cattle have been abandoned wandering in the wilderness. A survey of 1,400 deportees estimated that this group alone had left behind wealth estimated at US$ 212 million.

18. We are thankful that many compassionate and law-abiding Ethiopian citizens, of all ethnicities, have performed small acts of kindness for the deportees on their long journeys, and to their family members left behind. Many Ethiopians are caring for distressed children whose parents have been snatched away; perhaps they came home from school to find their houses sealed and their parents gone, and only a sympathetic neighbour to take care of them.

19. Such humanity appears to be contrary to the intent of the Government of Ethiopia. Since May, it has engaged in a propaganda campaign of quite extraordinary venom directed against Eritrea and Eritreans. Every day, Ethiopians who listen to the radio or watch television or read the newspapers or attend public meetings where government officials are speaking will hear invective aimed at Eritreans. Eritreans are accused of being fascists and chauvinists, of being belligerent and spiteful, neo-colonialist, anti-people, etc.

20. The Ethiopian Government has broadcast many fabricated claims of Eritrean abuses. For example, the claim that seven Ethiopians were burned to death in Alla was clearly refuted by the BBC correspondent who visited the site and investigated for himself. Allegations such as "group rapes by Eritrean fighters", "the wanton shooting of Ethiopians who wanted to leave in Adi Quala" and "Sixty Ethiopians died of asphyxiation in Assab after being locked in a container" are quite untrue and are clearly designed to incite anti-Eritrean feeling among the Ethiopian populace. Perhaps the most extreme allegation from the Ethiopian Foreign Ministry is the claim that "the Eritrean authorities have been detaining thousands of Ethiopians in the Sawa, Asmara and Assab concentration camps without access to their families, the ICRC and journalists." This is pure fiction not even worthy of a rebuttal before this distinguished audience. I could go on and on, just as the Ethiopian media goes on and on, hammering in its message day after day. It is a sad reality that the most outrageous propaganda, repeated often enough, will break down the resistance of even the most sceptical and humane citizen. Violence of the tongue precedes violence of the gun.

21. The international community is free to come to Eritrea and investigate these allegations for themselves. We have already extended an invitation to the Commission on Human Rights which, I am happy to report, has been accepted. Do not judge Eritrea by my words alone; the facts are there for the world to see.

22. Needless to say, Ethiopia's hate campaign not only is in violation of the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights, but is also irresponsible since it does not take into consideration the future relations between our two peoples.

23. This is a campaign of hatred that has no precedent in Ethiopian history, even during the darkest days of the previous regime. In all civilized countries, inciting hatred on the basis of race, religion, nationality or ethnicity is a crime. When a Government itself incites national hatred, we can only fear for the worst.

24. The Government of Ethiopia has also rounded up more than 1,000 Eritreans and interned them in camps. The majority of these are civilians who were

previously fighters with EPLF or who formerly received military training in the Eritrean national service. Although they are civilians, the Ethiopian Government has described them as "prisoners of war". There are also 85 university students, whose studies at Addis Ababa University were abruptly terminated by their collective arrest and detention. Ethiopia has no legal basis for detaining these students. The correct course of action would have been to allow them to return to Eritrea. At first, these people were detained in Fiche camp and then they were moved to Blatien, a location in the south of Ethiopia without the knowledge of ICRC. The Geneva Conventions (Fourth Convention, articles 79 to 141) deal in great detail with conditions under which civilians may be interned and how camps should be administered. We fear that those provisions have been violated. First, most of the internees have been detained illegally in violation of human rights and humanitarian law. Secondly, we have reason to fear that the conditions in the camps do not fulfil the legal obligations on the Ethiopian Government, so that it may be justified to call these camps "concentration camps" rather than just "internment camps".

25. The international community and the United Nations are free to come to Eritrea to investigate the record of the Eritrean Government for themselves. We are committed to transparency and pursue an open-door policy. Unlike Ethiopia, Eritrea is actively cooperating on these matters with ICRC and the United Nations agencies in Eritrea as well as the diplomatic community.

26. The Government of Eritrea has not taken any illegal or abusive actions against Ethiopians residing in Eritrea. The Ethiopian chargé d'affaires in Asmara told the visiting delegation from OAU on 30 June that Eritrea held 57 Ethiopians in detention on suspicion of being a threat to the security of the State. He admitted that this was probably an exaggeration as they were being released as their cases were examined. Shortly beforehand, the Ethiopian Foreign Minister had accused Eritrea of imprisoning 600 Ethiopians and, as I have mentioned, the Foreign Ministry has also alleged that untold thousands are held in "concentration camps". Today, the reality is that we are holding just 17 Ethiopians on grounds of national security, having individually investigated them. ICRC has full access to them all.

27. Ethiopians who wish to stay in Eritrea are free to stay, and we are endeavouring to facilitate the departure of those who wish to leave through the offices of ICRC. Eighty Ethiopian teachers in Assab left freely for Djibouti with the assistance of the local administration, but on their arrival there the Ethiopian Government claimed they had been expelled. Forty-five Ethiopian students studying at the University of Asmara were permitted to remain, finish their studies and sit for their exams, and then return peacefully to Ethiopia. However, the Ethiopian Government has claimed that "the Eritrean forces have brutally expelled well over 5,000 Ethiopian citizens from Eritrea after depriving them of their property and subjecting many of them to beatings and torture". This is completely without any foundation in fact.

28. On 13 May, the Ethiopian Government decided unilaterally to reroute all its shipping away from the Eritrean port of Assab to Djibouti, and to close the border between Eritrea and Ethiopia. This action by the Government of Ethiopia had the entirely predictable result that Ethiopian port workers in Assab had no work to do and Ethiopian cargo in the port was stranded. The charge by the

Ethiopian Government that Eritrea has denied the right to work to Ethiopians in Assab and has confiscated Ethiopian cargo is therefore without foundation. United Nations agencies have confirmed that salaries are still being paid to Ethiopian employees in Assab, but that daily labourers are now without an income and need relief assistance.

29. On 26 June, the Eritrean National Assembly resolved:

> "In contrast to the inhuman policy of the Ethiopian Government, the Eritrean Government has not, and will not, take any hostile action against Ethiopians residing in the country. Their right to live and work in peace is guaranteed. If this right is infringed upon under any circumstances or by any institution they have full rights of redress."

I need hardly draw the contrast between this public appeal for lawfulness and the campaign of national hate seen daily in the Ethiopian media. But, I reiterate, we stand judged by our actions and not our words. Please come and see for yourself.

30. The Government of Eritrea was distressed by the deaths of civilians, including some children, in an air attack on Mekelle airbase on 5 June. The air raid was carried out at 3 p.m. in response to an air attack on Asmara airport launched from Mekelle airbase at 2.10 p.m. earlier that day, in which 34 Eritrean civilians were either killed or wounded. The Ethiopian claim that their air raid was in "retaliation" was false, as confirmed by diplomats and journalists. Their claim that the deaths of civilians was the result of a "premeditated attack" is also quite untrue. Our air force is small and newly formed, and we never expected to have to use it against our former friends and allies in Ethiopia. But when we were attacked by the Ethiopian air force, we responded by striking against the Ethiopian air force base which had been established at Mekelle airport. I repeat, we did not target civilians intentionally although unfortunately some were caught in the cross-fire. Otherwise, the result at Mekelle airport, with several aircraft destroyed on the ground, attests to the purely military nature of the mission of the Eritrean air force.

31. All States Members of the United Nations have undertaken definite legal obligations towards persons living in their territories by the simple act of signing the Charter of the United Nations. Among these obligations are the promotion and protection of human rights and fundamental freedoms, as stated in the Charter of the United Nations, and elaborated by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant human rights instruments. No State can claim derogation from the essential obligations entailed therein on grounds of a state of emergency. In this respect, it would be necessary to note that this Commission on 3 March 1995 adopted the Declaration of Minimum Humanitarian Standards, which specifically identifies the acts prohibited under article 3, paragraph 2. Moreover, having declared war on Eritrea, Ethiopia is also bound by the Geneva Conventions which specifically prohibit the forcible deportation of populations and even brand it as a "grave breach".

32. It is therefore the duty of the international community to act decisively when crimes are committed on such an alarming scale and in as distinctively an odious manner as in Ethiopia today. At the very least, it should express its disapprobation of the act and its sympathy with the victims. In this regard, we greatly appreciate the objective and timely statement by Mary Robinson, the United Nations High Commissioner for Human Rights, expressing her profound concern at the violations of the Ethiopian Government.

33. The crime committed by the Government of Ethiopia against Ethiopian citizens of Eritrean origin and Eritrean residents in Ethiopia outrages the conscience of mankind and endangers the foundations of freedom and justice as well as peace, stability and security in the region. It is for this reason that the Eritrean delegation requests this Commission to pass a resolution which would:

(1) Deplore the Ethiopian Government's gross violation of the human rights of Eritreans and Ethiopians of Eritrean descent residing in Ethiopia;

(2) Call for the immediate cessation of all mass detention and expulsion of Eritreans; demand the immediate release of all Eritreans and Ethiopians of Eritrean origin who have been unlawfully detained in prisons and internment camps; and call for the protection of the lives, rights and properties of Eritrean and Ethiopian-Eritrean deportees and those still residing in Ethiopia, including their right to leave the country if they so desire;

(3) Call for the immediate end of propaganda aimed at inciting racial hatred against Eritreans and instead call for the Ethiopian Government to make public statements calling for calmness and respect for Eritreans resident in Ethiopia and Ethiopian citizens of Eritrean origin;

(4) Call for the reunification of separated Eritrean families, including arrangement of early and safe transport;

(5) Call for the immediate return of confiscated property to Eritrean and Ethiopian-Eritrean deportees and the payment of compensation for any loss of property or income;

(6) Appoint, as a matter of urgency, a fact-finding mission which would conduct an on-site investigation of the human rights conditions of Eritreans in Ethiopia, to supplement the mission already agreed for Eritrea;

(7) Call upon the Government of Ethiopia to cooperate fully with the fact-finding mission by permitting it full and free access to establish contact with Eritreans in its territory;

(8) In recognition that war is the greatest cause of human rights violations, call for the immediate cessation of hostilities and for the peaceful resolution of the border conflict.

34. I wish I could give a rational explanation for the actions of the Ethiopian Government over the last three months. Just 90 days ago, the mass expulsion of Eritreans and Ethiopians of Eritrean origin was literally unthinkable. We pray that there is no more madness to come from those responsible for the protection of Ethiopian citizens and residents of whatever origin.

35. Eritrea has nothing to seek except the promotion of the lasting interests of the peoples of the two countries and the development of personal and cultural, socio-economic and political relations between them which will foster the profit and advantage of both and which shall not interfere with the peace and rights of either.

36. The Eritrean delegation thus solemnly pledges that the Government of Eritrea shall continue to scrupulously observe the human rights of Ethiopians living in Eritrea, fully cooperate with this Commission or any other international organization which wishes to conduct unrestricted investigation of the conditions of Ethiopians residing in Eritrea and shall remain committed to the truth, verifiable by impartial observers, and totally dedicated to the well-being and mutually beneficial future of the peoples of both countries.

37. It also reaffirms its opposition to any threats or use of force and any measures of political and economic coercion which attempt to violate the sovereignty, independence, territorial integrity and security of any State.

38. In the interest of peace and security and the welfare of their populations, the delegation of the State of Eritrea invites the delegation of the Federal Democratic Republic of Ethiopia to join it in this earnest commitment to human rights and its commitment to, and search for, peace by solemnly making a similar pledge before this Commission.